

#12

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 12 2004

OFFICIAL

5 Applicant: Shih-Hsornng Shen, Examiner: NI, SUHAN  
Shuenn-Tsong Young,  
Weileun Fang  
Filing Date: 11/16/2001 Art Unit: 2643  
Serial No.: 09/683,099 Docket No.: YMBP0001USA

10 Title: HEARING AID DEVICE WITH FREQUENCY-SPECIFIC  
AMPLIFIER SETTINGS

To: Commissioner for Patents  
P.O. Box 1450  
15 Alexandria, VA 22313-1450

Subject: Petition to withdraw holding of abandonment

Dear Sir or Madame

20

The following is a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment for the above-identified application, as per MPEP 711.03(c)(II).

25 On 03/08/2004, this office received a Notice of Abandonment for failing to respond to an Office Letter mailed on 05/16/2003. Consequently, the USPTO's PAIR system was utilized to perform a check of the above-identified application. The PAIR system indicated that a Non-Final Rejection was mailed on 05/16/2003  
30 and a Response after Non-Final Action was received by USPTO on 08/14/2003. Then, a Notice of Informal or Non-Responsive Amendment was mailed on 10/21/2003. However, this office never

received the Notice of Informal or Non-Responsive Amendment of 10/21/2003, and a search of the file jacket and docket records attests to the fact that the Notice of Informal or Non-Responsive Amendment in question was never received.

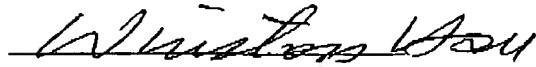
5

Please see the enclosed copies of the file dockets (2 pages) for the present application file wrapper. The line with the red encircled "1" indicates that utility patent application were sent on 11/17/2001 to the USPTO (The discrepancy between the sent day and the application day is due to time difference). On 02/20/2002, as indicated by the red encircled "2", the Updated Filing Receipt was received by this office from the USPTO. As indicated on the red encircled "3", on 05/27/2003, an Office Action dated 05/16/2003 was received. Subsequently, response to the above-mentioned Office Action, as indicated on the red encircled "4", was sent to the USPTO by fax on 08/14/2003 and by Federal Express on 08/15/2003. On 08/22/2003, as indicated by the red encircled "5", the Notice of Publication was received by this office. On 12/16/2003, as indicated by the red encircled "6", the Office communication granted on request to withdraw as attorney was received by this office. Finally, On 03/08/2004, as indicated by the red encircled "7", the Notice of Abandonment was received by this office. This was the last piece of correspondence received by this office from the USPTO. On 03/11/2004, as shown on line "8", this office utilized the USPTO's PAIR system to ascertain the status of the instant application, and learned of the non-received Notice of Informal or Non-Responsive Amendment of 10/21/2003. No other correspondence was received for this case from the USPTO between lines "5" and "6", and hence the Notice of Informal or Non-Responsive Amendment was clearly not received by this office for the instant application.

Due to the above, and with regards to MPEP 711.03(c)(II),  
the applicant respectfully requests that the holding of  
abandonment of the present application be withdrawn.  
5 Additionally, the applicant requests that the Notice of  
Informal or Non-Responsive Amendment dated 10/21/2003 be  
re-sent.

10

Sincerely yours,



Date: 3/12/2004

15 Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506

Merrifield, VA 22116

U.S.A.

e-mail: winstonhsu@naipo.com.tw

本所案號: YMB-P0001-USA 名稱: Hearing aid device with  
 客戶案號: frequency-specific amplifier settings.  
 國外案號: 09/683,079 申請日期: 11/16/01 專利日期:           
 發明人: 楊明賢, 方維倫, 沈世雄

文件編號	階段	績效編號	日期	記錄人	項目	摘要
	A1	ZOE3	2001/10/22	David	From 沈世雄	新案 (期限 2001/11/30)
			2001/11/12	David		Spec Writing
			11/13/01	John		spec edit
			11/11/01	John		claim writing
			11/13/01	David	to "	修正內容
			11/16/01	David	to "	修正內容
①			11/17	David	To. ETO.	差(中)
			12/15	"	from "	recept (須補圖)
			1/15/02	"	To. "	補圖
			2/6	"	from "	recept.
②			2/20	"	"	recept (updated).
③			5/27/2003	Christina	from PTO	再審通知, 官方期限 2003.8.16
			6/27	Lin	from 沈世雄	提醒
			6/13	Lin	from River	請於 7/16 前提交意見書
			7/1	Alex Hu		O.A. draft.
			7/2/02	William		Technical Editing
			7/3/03	Scott		AC grammar editing
			7/4	Lin	from 沈世雄	一稿
			7/26	fang	from 沈世雄	二稿
			7/28	Alex		客戶改稿

案件的每一個階段及相關文件的產生及出入均應詳實記載。

NPO-PIA074-02

本所案號: YMB-P0001-USA 名稱: \_\_\_\_\_  
 客戶案號: \_\_\_\_\_  
 國外案號: \_\_\_\_\_  
 專利案號: 09/683,099 申請日期: 11/16/01 專利日期: \_\_\_\_\_  
 發明人: \_\_\_\_\_

文件編號	階段	績效編號	日期	記錄人	項目	摘要
			7/29/2003	ly	To: 沈工修	二稿
			8/7	ly	from 沈工修	三稿
			8/7	Alex		客戶改稿 (寄-2003/8/16)
			8/7	ly	To: 沈工修	四稿
			8/12	ly	from 沈工修	五稿
			8/12	Alex		改稿
			8/12	ly	To: 沈工修	四稿
			8/13	ly	from 沈工修	五稿
			8/13	Alex		改稿
			8/14	ly	To: 沈工修	五稿
			8/15	ly	from 沈工修	可送中
④			8/15/2003	Dana	fax 8/10 fedex 8/15	OA 送件
⑤			8/22/2003	"	from PTO	公開通知
⑥			12/16/03	Sandy	"	已刪總代通知
⑦			3/8/04	Sandy	"	Notice of Abandonment
⑧			3/11/04	Sandy	from PAIR system	Search the condition for this case.

案件的每一個階段及相關文件的產生及出入均應詳實記載。

NPO-PIA074-02

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**NORTH AMERICA  
INTERNATIONAL PATENT OFFICE**

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

TEL:+886-2-8923-7350 FAX:+886-2-2929-5950 e-mail:winstonhsu@naipo.com.tw

**FAX TO: NL, SUHAN**

**Tel: (703) 308-9322**

**ART UNIT: 2643**

**Fax: (703) 872-9314**

**FROM: Winston Hsu, PATENT AGENT, REG. NO. : 41,526**

**SERIAL NO.: 09/683,099**

**ATTORNEY DOCKET NO.: YMBP0001USA**

**SUBJECT: PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT**

**TOTAL PAGES: 9 PAGES (INCLUDING COVER PAGE)**

**Winston Hsu 2004/03/12**

**YMBP0001USA0\_A9\_1**

PTO/SB/97 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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### Certificate of Transmission under 37 CFR 1.8

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United States Patent and Trademark Office

on 03/12/2004  
Date

Sandy Huang.  
Signature

Sandy Huang  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

APPLICATION NUMBER: 09/683,099

PAPERS INCLUDED:

(1) Transmittal Form	1 PAGE
(2) Fee Transmittal	1 PAGE
(3) Petition to withdraw holding of abandonment	3 PAGES
(4) Copies of the file dockets for the present application	2 PAGES

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/21 (08-03)

Approved for use through 08/30/2003, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/683,099
	Filing Date	11/16/2001
	First Named Inventor	Shih-Hsiong Shen
	Art Unit	2643
	Examiner Name	NI, SUHAN
	Attorney Docket Number	YMBP0001USA
Total Number of Pages in This Submission	7	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Winston Hsu, Reg. No.: 41,526
Signature	<i>Winston Hsu</i>
Date	3/12/2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 0.00)

**Complete if Known**

Application Number	09/683,099
Filing Date	11/16/2001
First Named Inventor	Shih-Hsiong Shen
Examiner Name	NI, SUHAN
Art Unit	2643
Attorney Docket No.	YMBP0001USA

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
50-0801Deposit Account Name  
North America International Patent Office

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra Claims Fee from below Fee Paid

Total Claims Independent Claims Multiple Dependent

-20\*\* =  X  =

-3\*\* =  X  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 800	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

**SUBMITTED BY**

Name (Print/Type) Winston Hsu

Registration No. (Attorney/Agent)

41,526

(Complete if applicable)

Telephone 886289237350

Signature

Date

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